

Title	Workplace Violence Prevention (revise forms WV-100, WV-110, WV-120, WV-130, WV-131, WV-132, WV-140, and WV-150)
Summary	Senate Bill 226 added a new section to the Code of Civil Procedure relating to firearms relinquishment. (See Code Civ. Proc., § 527.9). This section provides procedures for firearm relinquishment for persons subject to civil harassment, elder abuse, and workplace violence orders. The legislation has also changed statutes in the Penal Code and the Welfare and Institutions Code. To reflect this legislation, the workplace violence forms have been revised and will be presented to the Judicial Council for approval effective July 1, 2004. Some additional stylistic and formatting changes have also been made. Comments on the forms are invited. ¹
Source	Civil and Small Claims Advisory Committee
Staff	Patrick O'Donnell, Committee Counsel, 415-865-7665 patrick.o'donnell@jud.ca.gov
Discussion	<p>The workplace violence prevention forms have been revised to reflect recent legislation. To implement the legislation, the forms will be presented to the Judicial Council for revision effective July 1, 2004 without first being circulated for comment.</p> <p>However, to give the public an opportunity to comment and make suggestions, the revised forms are also being circulated at this time. The forms are:</p> <ol style="list-style-type: none"> 1. <i>Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee (Workplace Violence)</i> (form WV-100); 2. <i>Response to Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee (Workplace Violence)</i> (form WV-110); 3. <i>Order to Show Cause (Workplace Violence) and Temporary Restraining Order</i> (form WV-120); 4. <i>Proof of Personal Service (Workplace Violence)</i> (form WV-130); 5. <i>Proof of Service by Mail of Completed Response (Workplace</i>

¹ The civil harassment and elder abuse prevention forms have also been revised. These are the subjects of other Invitations to Comment that are presently being circulated.

Violence) (form WV-131);

6. *Proof of Service by Personal Delivery of Completed Response (Workplace Violence)* (form WV-132);

7. *Order After Hearing on Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee (Workplace Violence)* (form WV-140); and

8. *Instructions for Petitions to Prevent Workplace Violence* (form WV-150).

The specific revisions to the workplace violence prevention forms are as follows:

Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee (form WV-100)

The petition has been revised to include a request for firearms relinquishment (item 10). Other items have been renumbered. Minor stylistic changes have been made so that this petition will be consistent with the civil harassment and elder abuse petitions.

A statement would be added to the form, providing information for persons with hearing disabilities on how to request accommodations from the court. Comments are invited on this new item.

Response to Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee (form WV-110)

This form has been revised to include a response (item 3) to the request for a firearms relinquishment order. The possible responses include that the dependent has no firearms, consents to the firearms relinquishment order, does not consent to the order, or consents to certain specific orders. Other items on the form have been renumbered and reordered.

Order to Show Cause (Workplace Violence) and Temporary Restraining Order (form WV-120)

The firearms relinquishment order (item 9) has been revised to provide for sale or turnover of firearms within 48 hours after service of the order (when the respondent was not present at the hearing). This is necessary to make the form consistent with newly enacted Code of Civil Procedure section 527.9(b). The order also states that if a restrained person owns, possesses, or controls any firearms, he or she must file a receipt within 72 hours showing the firearms were sold or transferred to law enforcement. Form WV-145 is available for this

purpose.

A statement would be added to this form on how persons with hearing difficulties can request accommodations.

Proof of Personal Service (Workplace Violence) (form WV-130),
Proof of Service by Mail of Completed Response (Workplace Violence)
(form WV-131), and *Proof of Service by Personal Delivery of*
Completed Response (Workplace Violence) (form WV-132)
Those forms have been revised to contain clearer captions.

Order After Hearing on Petition of Employer for Injunction
Prohibiting Violence or Threats of Violence Against Employee (form
WV-140)

The firearms relinquishment order (item 8) has been modified to be consistent with Code of Civil Procedure section 527.9(b). It is similar to the order in form WV-120. Other items have been renumbered and reordered.

Instructions for Petitions to Prohibit Workplace Violence (form WV-150)

This instructions form has been revised to reflect the changes in the other workplace violence forms.

Attachments

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <div style="display: flex; justify-content: space-between;"> <div>TELEPHONE NO.:</div> <div>FAX NO. (Optional):</div> </div> E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY <div style="font-size: 24pt; font-weight: bold;">DRAFT 4</div> <div style="font-size: 24pt; font-weight: bold;">4/08/04</div> CASE NUMBER:
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT: EMPLOYEE:	
PETITION OF EMPLOYER FOR INJUNCTION PROHIBITING VIOLENCE OR THREATS OF VIOLENCE AGAINST EMPLOYEE(Workplace Violence) AND <input type="checkbox"/> APPLICATION FOR TEMPORARY RESTRAINING ORDER	

(This is NOT an order)

Read the Instructions for Petitions to Prohibit Workplace Violence (form WV-150) before completing this form. NOTE: Plaintiff **must** be an employer with standing to bring this action under Code of Civil Procedure section 527.8.

1. **Plaintiff (name):** _____ is a ☐ corporation ☐ sole proprietorship
☐ other (specify): _____ and is filing this suit on behalf of the employee identified in item 2.

2. **Employee (name):**

Sex: ☐ M ☐ F Date of birth: _____

(Use a separate petition for each employee you are seeking to protect.)

3. **Defendant (name):**

a. Resides at (state address, if known):

b. Works at (state address, if known):

c. ☐ Is ☐ Is not a current employee of plaintiff (explain if defendant is still an employee):

4. This suit is filed in this county because

- a. ☐ defendant resides in this county.
 b. ☐ defendant has caused physical or emotional injury to plaintiff's employee in this county.
 c. ☐ other (specify):

5. Defendant has ☐ assaulted ☐ battered ☐ stalked or ☐ made a credible threat of violence against the employee by knowing or willing statements or a course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family.

a. One or more of these acts can reasonably be construed to be carried out or to have been carried out at the employee's workplace at (address):

b. Describe what happened (including the dates, who did what to whom, and any injuries):

<input type="checkbox"/> PLAINTIFF (<i>Name</i>): <input type="checkbox"/> DEFENDANT (<i>Name</i>):	CASE NUMBER:
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5. b. (*Continued*)

☐ Continued on Attachment 5b.

6. ☐ Employee will suffer great and irreparable harm before this petition can be heard in court unless the court makes those orders requested below effective now and until the hearing. (*Specify the harm and why it will occur before the hearing*):

☐ Continued on Attachment 6.

7. Defendant's conduct has been directed against employee and is knowing and willful, is not constitutionally protected, and does not constitute lawful acts of self-defense or defense of others.

PLAINTIFF REQUESTS THE COURT TO MAKE THE ORDERS INDICATED BY THE CHECK MARKS IN THE BOXES BELOW.

8. ☐ **PERSONAL CONDUCT ORDERS** ☐ **To be ordered now and effective until the hearing**

a. **Defendant shall not engage in unlawful violence or make threats of violence against the employee and the following members of employee's family or household who reside with the employee:**

(1) (*Name*):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F Date of birth: _____

(2) (*Name*):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F Date of birth: _____

(3) (*Name*):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F Date of birth: _____

☐ Continued on Attachment 8a.

b. **Specifically, defendant**

- (1) ☐ shall not assault, batter, or stalk the employee and other protected persons.
- (2) ☐ shall not follow or stalk the employee and other protected persons to or from the place of work.
- (3) ☐ shall not follow the employee and other protected persons during hours of employment.
- (4) ☐ shall not telephone or send correspondence to the employee and other protected persons by **any** means including, but not limited to, the use of the public or private mails, interoffice mail, fax, or computer e-mail.
- (5) ☐ shall not enter the workplace of the employee and other protected persons.
- (6) ☐ other (*specify*):

9. ☐ **STAY-AWAY ORDERS** ☐ **To be ordered now and effective until the hearing**

a. **Defendant** shall stay at least (*specify*): _____ **yards** away from the following places and persons (*the addresses of the places are optional and may be kept confidential*):

(1) Employee ☐ and other protected person identified in item 8a.

(2) ☐ Employee's residence (*address optional*):

(3) ☐ Employee's place of work (*address optional*):

(4) ☐ Employee's children's school or place of child care (*address optional*):

(5) ☐ Employee's vehicle (*specify*):

PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	

9. a. (Continued)

(6) ☐ Other (specify):

b. Will granting of any of the stay-away orders in item 9a deprive defendant of access to his or her residence or place of employment?

☐ Yes ☐ No (If yes, explain):

10. **FIREARMS PROHIBITION AND RELINQUISHMENT ORDER**

Plaintiff requests an order under section 527.9 of the Code of Civil Procedure that the restrained person is prohibited from owning, possessing, purchasing, or receiving, or attempting to purchase or receive a firearm, and must relinquish any firearm that he or she owns or possesses.

11. ☐ **OTHER ORDERS** (specify other orders you request to help carry out the orders previously requested):

12. **DELIVERY TO LAW ENFORCEMENT**

Plaintiff requests that copies of orders be given to the following law enforcement agencies:

Law enforcement agency

Address

13. ☐ **ORDER SHORTENING TIME**

Plaintiff requests that time for service of the *Order to Show Cause* (form WV-120) and accompanying papers be shortened so that they may be served no less than (specify number): _____ days before the date set for the hearing. I need to have the order shortening time because of the facts contained in this petition.

14. ☐ **PREVIOUS ORDERS**

Plaintiff has asked for restraining orders against the defendant in (specify):

Case No. (specify):

County,

15. ☐ **PREVIOUS ORDERS**

Employee has asked for restraining orders against defendant in (specify):

Case No. (specify):

County,

16. **DESCRIPTION OF DEFENDANT TO BE RESTRAINED**

Sex: ☐ M ☐ F Ht.: _____ Wt.: _____ Hair color: _____ Eye color: _____ Race: _____ Age: _____ Date of birth: _____

17. ☐ **COSTS**

Defendant should be ordered to pay costs as follows (specify):

18. Plaintiff requests additional relief as may be proper.

PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	

19. ☐ **NO FEE FOR FILING**

Plaintiff is not required to pay a fee for filing this petition because the petition alleges that the defendant has inflicted or threatened violence against an employee of the plaintiff, or stalked the employee, or acted or spoke in any other manner that has placed the employee in reasonable fear of violence, and seeks protective or restraining orders or injunctions restraining stalking or future violence or threats of violence in an action brought under Code of Civil Procedure § 527.8.

20. Plaintiff understands that if the court issues an *Order to Show Cause* (form WV-120), a hearing will be held on the date shown in item 2 of the *Order to Show Cause*. At that hearing, plaintiff will be prepared to present evidence supporting the petition.

21. Number of pages attached: _____
 (Signature of attorney, if any):

_____ (TYPE OR PRINT NAME OF ATTORNEY)		_____ (SIGNATURE OF ATTORNEY)
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I declare under penalty of perjury under the laws of the State of California that I am aware of the facts stated,


a. ☐ on the basis of my own personal knowledge.

b. ☐ on the basis that I have been informed and believe that the facts stated are true. (NOTE: If this petition is made solely on the basis of plaintiff's information and belief, plaintiff must attach declarations by one or more persons who have personal knowledge of the facts stated.)

Date: _____ (TYPE OR PRINT NAME)		_____ (SIGNATURE OF PLAINTIFF)
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Title of person signing:

Assistive listening systems, computer-assisted-real-time-captioning or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for *Request for Accommodations by Persons with Disabilities and Order* (form MC-410). (Civil Code section 54.8.)



I respond to the Petition of Employer for *Injunction Prohibiting Violence or Threats of Violence Against Employee* as follows:

1. ☐ **PERSONAL CONDUCT ORDERS**
- a. ☐ I consent to the order requested.
- b. ☐ I do not consent to the order requested.
- c. ☐ I consent to the following order (*specify*):
2. ☐ **STAY-AWAY ORDERS**
- a. ☐ I consent to the orders requested.
- b. ☐ I do not consent to the orders requested.
- c. ☐ I consent to the following orders (*specify*):
3. ☐ **FIREARMS PROHIBITION AND RELINQUISHMENT ORDER**
- a. ☐ I do not own, possess, or control any firearms.
- b. ☐ I consent to the orders requested.
- c. ☐ I do not consent to the orders requested.
- d. ☐ I consent to the following orders (*specify*):
4. ☐ **OTHER ORDERS**
- a. ☐ I consent to the other orders requested in the petition.
- b. ☐ I do not consent to the other orders requested in the petition.
- c. ☐ I consent to the following orders (*specify*):
5. ☐ **DENIAL**
- a. ☐ I deny doing all of the acts stated in item 5 of the petition.
- b. ☐ I deny doing some of the acts stated in item 5 of the petition. (*Specify the acts you deny doing*):

PLAINTIFF (Name): DEFENDANT (Name):	CASE NUMBER:
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6. ☐ **JUSTIFICATION OR EXCUSE**

I have done some or all of the acts of which I am accused, but the actions are justified or excused for the following reasons:

a. ☐ My acts were lawful acts of self-defense or defense of others (*specify*):

b. ☐ My acts served a legitimate purpose (*specify*):

c. ☐ My acts were constitutionally protected (*specify*):

7. ☐ **INJUNCTION**

An injunction should not be granted for the following additional reasons (*specify*):

☐ (*If more space is needed, check the box and add additional pages as Attachment 7.*)

8. ☐ **EXPENSES AND COSTS**

I request the court to order

a. ☐ expenses incurred as the result of the issuance of a temporary restraining order without sufficient supporting facts.

The expenses are as follows:

Item

Amount

b. ☐ costs.

c. Additional relief as may be proper.

9. ☐ **NO FILING FEE**

I am not required to pay a filing fee for this response because the petition alleges that I have inflicted or threatened violence against an employee of the plaintiff, or stalked the employee, or acted or spoke in any other manner that has placed the employee in reasonable fear of violence, and seeks protective or restraining orders or injunctions restraining stalking or future violence or threats of violence under Code of Civil Procedure section 527.8

(*Signature of attorney, if any*):



(TYPE OR PRINT NAME OF ATTORNEY)

(SIGNATURE OF ATTORNEY)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:



(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT)

FOR COURT USE ONLY

FAX NO. (Optional):

ATTORNEY FOR (Name):

BRANCH NAME:

EMPLOYEE:

DRAFT 4
4/08/04

CASE NUMBER:

**ORDER TO SHOW CAUSE (Workplace Violence)
AND ☐ TEMPORARY RESTRAINING ORDER (CLETS)**

NOTICE OF HEARING

JUDICIAL OFFICER

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

PLAINTIFF (Name): DEFENDANT (Name):	CASE NUMBER:
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TEMPORARY RESTRAINING ORDER

THE COURT FINDS

5. a. The defendant is (name):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F Ht.: _____ Wt.: _____ Hair color: _____ Eye color: _____ Race: _____ Age: _____ Date of birth: _____

b. The protected employee is (name):

c. Protected family or household members who reside with employee are:

(1) (Name):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F Date of birth: _____

(2) (Name):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F Date of birth: _____

(3) (Name):

Sex: <input type="checkbox"/> M <input type="checkbox"/> F Date of birth: _____

☐ Continued on Attachment 5c.

UNTIL THE TIME OF HEARING, IT IS ORDERED

6. ☐ **CONDUCT ORDERS**

Defendant is prohibited from further violence or threats of violence against the protected persons

and SPECIFICALLY IT IS ORDERED THAT DEFENDANT

- a. ☐ shall not assault, batter, or stalk the employee and other protected persons
- b. ☐ shall not follow or stalk the employee and other protected persons to or from the place of work
- c. ☐ shall not follow the employee and other protected persons during hours of employment
- d. ☐ shall not telephone or send correspondence to the employee and other protected persons by **any** means including, but not limited to, the use of the public or private mails, interoffice mail, fax, or computer e-mail
- e. ☐ shall not enter the workplace of the employee and other protected persons
- f. ☐ other (specify):

7. ☐ **STAY-AWAY ORDER**

Defendant is ordered to stay at least (specify): _____ yards away from the following persons and places (the addresses of the places are optional and may be kept confidential):

- a. ☐ Employee and other protected persons named in item 5.
- b. ☐ Residence of employee and other protected persons (address optional):
- c. ☐ Place of work of employee and other protected persons (address optional):
- d. ☐ School or place of child care of children of employee and other protected persons (address optional):
- e. ☐ The employee's and other protected persons' vehicles
- f. ☐ Other (specify):
(address optional):

8. ☐ Contacts relating to pickup and delivery of children under a court order or a court-approved stipulation of the parties arrived at during mediation shall be permitted, unless a criminal domestic protective or restraining order prohibits such contacts.

PLAINTIFF (Name): DEFENDANT (Name):	CASE NUMBER:
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9. **MANDATORY FIREARM RELINQUISHMENT ORDER**

The restrained person must surrender to local law enforcement or sell to a licensed gun dealer any firearm in or subject to his or her immediate possession or control within

- a. ☐ 24 hours after issuance of this order (if restrained person is present at hearing).
- b. ☐ 48 hours after service of this order (if restrained person is not present at hearing).
- c. ☐ other (specify):

If the restrained person owns, possesses, or controls any firearms, he or she **must** file a receipt with the court showing compliance with this order within 72 hours of receiving this order. (Form WV-145 is available for this purpose.)

10. ☐ **OTHER ORDERS** (specify):

☐ Continued on Attachment 10.

11. **SERVICE ON DEFENDANT**

The documents listed below must be personally served on the defendant:

- a. *Order to Show Cause and Temporary Restraining Order (CLETS) (Workplace Violence)* (form WV-120)
- b. *Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee (Workplace Violence)* (WV-100)
- c. *Blank Response to Petition of employer for injunction Prohibiting Violence or Threats of Violence Against Employee (Workplace Violence)* (WV-110)
- d. *Blank Proof of Service of Completed Response* (form WV-131)
- e. Other (specify):

12. ☐ **ORDER SHORTENING TIME**

Application for an order shortening time is granted and the documents listed in item 11 shall be personally served on the defendant no less than (specify number): _____ days before the time set for hearing.

13. **DELIVERY TO LAW ENFORCEMENT**

By the close of business on the date of this order, a copy of this order and any proof of service shall be given to the law enforcement agencies listed below as follows:

- a. ☐ Plaintiff shall deliver.
- b. ☐ Plaintiff's attorney shall deliver.

Law enforcement agency

Address

Date: _____

JUDICIAL OFFICER

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

This order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received, and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this restraining order are subject to criminal penalties.

NOTICE REGARDING FIREARMS

Any person subject to a restraining order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment.

PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	

INSTRUCTIONS FOR THE DEFENDANT

1. If you are served with an *Order to Show Cause (Workplace Violence)* [OSC] (form WV-120) and a *Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee* [Petition] (form WV-100), you should promptly seek legal advice. If you have no attorney, the attorney's reference service of your local bar association may be of assistance.
2. Read the papers served on you very carefully. The **OSC** tells you when to appear in court and may contain a temporary restraining order forbidding you from doing certain things. **If you disobey the court's orders, criminal charges may be filed against you.**
3. If you wish to oppose the **Petition**, or make your own request for court orders, you should file a *Response to Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee* [Response] (form WV-110).

In addition to the **Response**, you may file and serve declarations signed by persons who have personal knowledge of the facts. A declaration form (form MC-031) is available from the clerk's office of the court shown on page one of this form. If you do not know how to prepare a declaration, you should see an attorney. After you have filed the **Response** with the clerk of the court, a copy must be delivered personally or by mail to the plaintiff or the plaintiff's attorney.

You cannot serve the plaintiff yourself. The person who serves the plaintiff should complete and sign a *Proof of Service of Completed Response (Workplace Violence)* (form WV-131). You should take the completed form back to the court clerk or bring it with you to the hearing.

4. If you wish to oppose the petition, in addition to filing a **Response** you should be present at the hearing. If you have any witnesses, they must also be present.
5. An instruction booklet entitled *Instructions for Petitions to Prohibit Workplace Violence* (form WV-150) is available from the clerk's office at the court shown on page one of this form.

Assistive listening systems, computer-assisted-real-time-captioning or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for *Request for Accommodations by Persons with Disabilities and Order* (form MC-410). (Civil Code section 54.8.)



1. At the time of service I was at least 18 years of age and **not a party to this legal action**.
2. I served a copy of the following documents (*check the box before the title of each document you served*):
 - a. ☐ *Order to Show Cause (Workplace Violence)* (form WV-120)
☐ and *Temporary Restraining Order (CLETS)* (form WV-120)
 - b. ☐ *Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee* (form WV-100)
 - c. ☐ *Application for Temporary Restraining Order* (form WV-100)
 - d. ☐ *Blank Response to Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee* (form WV-110)
 - e. ☐ *Proof of Service of Completed Response* (form WV-131).
 - f. ☐ *Order After Hearing on Petition for Injunction Prohibiting Violence or Threats of Violence Against Employee* (form WV-140)
 - g. ☐ *Other (specify)*:
3. Person served (*name*):
4. By personally delivering copies to the person served, as follows:
 - a. Date:
 - b. Time:
 - c. Address:
5. My residence or business address is (*specify*):
6. My telephone number is (*specify*):

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE)

Code of Civil Procedure, § 527.8

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>):</p>	<p>FOR COURT USE ONLY</p>
<p>TELEPHONE NO.: FAX NO.:</p>	
<p>ATTORNEY FOR (<i>Name</i>):</p>	
<p>NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:</p>	<p>DRAFT 3 4/08/04</p>
<p>PLAINTIFF: DEFENDANT: EMPLOYEE:</p>	
<p>PROOF OF SERVICE BY PERSONAL DELIVERY OF COMPLETED RESPONSE (Workplace Violence)</p>	<p>CASE NUMBER:</p>

PERSONAL SERVICE

Instructions to Defendant: *If the court orders personal service, you must have someone else personally serve the plaintiff. You cannot serve these papers yourself. After having the plaintiff personally served with any of the documents identified in item 2, have the person who served the documents complete this Proof of Personal Service. Give the completed Proof of Personal Service to the clerk for filing. An unsigned copy of the Proof of Personal Service should be attached to and served with the document.*

1. I am over the age of 18 and **not a party to this legal action.**
2. I served a copy of the following documents (check the box before the title of each document you served):
 - a. ☐ Completed *Response to Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee (form WV-110)*
 - b. ☐ Other (*specify*):
3.
 - a. Name:
 - b. Date:
 - c. Time:
 - d. Address:
4. My residence or business address is (*specify*):
5. My *telephone number* is (*specify*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <div style="font-size: 24pt; font-weight: bold;">DRAFT 5</div> <div style="font-size: 24pt; font-weight: bold;">4/08/04</div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	CASE NUMBER: _____
PLAINTIFF: _____ DEFENDANT: _____ EMPLOYEE: _____	
ORDER AFTER HEARING ON PETITION OF EMPLOYER FOR INJUNCTION PROHIBITING VIOLENCE OR THREATS OF VIOLENCE AGAINST EMPLOYEE (Workplace Violence) (CLETS)	

1. **THIS ORDER SHALL EXPIRE AT MIDNIGHT ON (date):**
IF NO DATE IS PRESENT, THIS ORDER EXPIRES THREE YEARS FROM THE DATE OF ISSUANCE.

2. This proceeding came on for hearing as follows:

Date: _____	Time: _____	Dept.: _____	Room: _____
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3. Judge (name): _____ ☐ Temporary judge
4. a. ☐ Plaintiff present ☐ Attorney present (name): _____
- b. ☐ Defendant present ☐ Attorney present (name): _____

THE COURT FINDS

5. a. The defendant is (name): _____

Sex: ☐ M ☐ F Ht.: _____ Wt.: _____ Hair color: _____ Eye color: _____ Race: _____ Age: _____ Date of birth: _____

- b. The protected employee is (name): _____

Sex: ☐ M ☐ F Date of birth: _____

- c. Protected family or household members who reside with employee are:

- (1) (Name): _____

Sex ☐ M ☐ F Date of birth: _____

- (2) (Name): _____

Sex: ☐ M ☐ F Date of birth: _____

- (3) (Name): _____

Sex: ☐ M ☐ F Date of birth: _____

☐ Continued on Attachment 5c.

PLAINTIFF (Name): 	CASE NUMBER:
DEFENDANT (Name):	

THE COURT ORDERS

6. ☐ PERSONAL CONDUCT ORDER

Defendant is prohibited from further violence or threats of violence against the employee listed in item 5b and the protected persons, listed in item 5c.

- a. ☐ shall not assault, batter, or stalk the employee and other protected persons
- b. ☐ shall not follow or stalk the employee and other protected persons to or from the place of work
- c. ☐ shall not follow the employee and other protected persons during hours of employment
- d. ☐ shall not telephone or send correspondence to the employee and other protected persons by **any** means including, but not limited to, the use of the public or private mails, interoffice mail, fax, or computer e-mail
- e. ☐ shall not enter the workplace of the employee and other protected
- f. ☐ other (specify):

7. ☐ STAY AWAY ORDER

- a. Defendant is ordered to stay at least (specify): yards away from the following persons and places (the addresses of the places are optional and may be kept confidential):

- (1) ☐ Employee and other protected persons named in item 5.
- (2) ☐ Employee's residence (address optional):

- (3) ☐ Employee's place of work (address optional):

- (4) ☐ Employee's children's school or place of child care (address optional):

- (5) ☐ Employee's and other protected persons' vehicles

- (6) ☐ Other (specify):
(address optional):

- b. ☐ Contacts relating to pickup and delivery of children under a court order or a court-approved stipulation of the parties arrived at during mediation shall be permitted, unless a criminal domestic protective or restraining order prohibits such contacts.

8. MANDATORY FIREARM RELINQUISHMENT ORDER

The restrained person must surrender to local law enforcement or sell to a licensed gun dealer any firearm in or subject to his or her immediate possession or control within

- a. ☐ 24 hours after issuance of this order (if restrained person is present at hearing).
- b. ☐ 48 hours after service of this order (if restrained person is not present at hearing).
- c. ☐ other (specify):

If the restrained person owns, possesses, or controls any firearms, he or she **must** file a receipt with the court showing compliance with this order within 72 hours of receiving this order. (Form WV-145 is available for this purpose.)

9. ☐ OTHER ORDERS (specify):

PLAINTIFF (Name): DEFENDANT (Name):	CASE NUMBER:
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10. **DELIVER TO LAW ENFORCEMENT**

By the close of business on the date of this order, a copy of this order and any proof of service shall be given to the law enforcement agencies listed below as follows:

- a. ☐ Plaintiff shall deliver.
b. ☐ Plaintiff's attorney shall deliver.

Law enforcement agency

Address

Date: _____
JUDICIAL OFFICER

This order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received, and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this restraining order are subject to criminal penalties.

NOTICE REGARDING FIREARMS

Any person subject to a restraining order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment.

DRAFT 3
4/08/04

INSTRUCTIONS FOR PETITIONS TO PROHIBIT WORKPLACE VIOLENCE

Under California law (Code of Civil Procedure section 527.8), courts can make orders to protect an employee from suffering unlawful violence or credible threats of violence. These orders can be requested by the employer of a person who is suffering unlawful violence or credible threats of violence, and will be enforced by law enforcement agencies.

The employer asking for these orders is called the "plaintiff." The plaintiff needs to file a petition in superior court, on behalf of his or her employee, against the other person ("defendant") to get these orders. There will be a court hearing within 15 days of the filing. The plaintiff can sometimes get a temporary court order against the defendant even before the hearing.

This instruction booklet tells what court orders an employer can get and how to get them. It also includes directions for a defendant who wants to oppose the employer's petition.

These instructions cannot cover all of the problems and questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see an attorney.

Please note: These forms can be used only by an **employer** of a person who is suffering unlawful violence or a credible threat of violence. If anyone other than the employer wishes to apply to the court for an order prohibiting harassment, see the Judicial Council's *Instructions for Lawsuits to Prohibit Civil Harassment* (form CH-150).

GENERAL INFORMATION

Who can get a court order under this law?

This statute allows **employers** to obtain court orders prohibiting unlawful violence or credible threats of violence against their employees. The statute differs from other California laws that allow victims of unlawful violence or credible threats of violence to ask the court for these orders **themselves**. To get an order under this law, the plaintiff **must** be an employer. An employer is defined as the following:

- Every person engaged in any business or enterprise in this state that has one or more persons in service under any appointment, contract of hire, or apprenticeship, express or implied, oral or written, irrespective of whether such person is the owner of the business or is operating on a concessionaire or other basis. (Lab. Code, § 350(a).)
- A federal, state, or local public agency; a city, county, district, or public corporation. (Code Civ. Proc., § 527.8(d).)

Before completing the forms needed to obtain court orders under this statute, make certain you meet the definition of "employer" as stated.

Whom can an employer protect under this law?

Under this statute, employers can obtain court orders which last up to three years on behalf of their employees only and up to fifteen days on behalf of employees and certain family or household members. California law defines employees as:

- Every person, including aliens and minors, rendering actual service in any business for an employer, whether gratuitously or for wages or pay, and whether such wages or pay are measured by the standard of time, piece, task, commission, or other method of calculation and whether such service is rendered on a commission, concessionaire, or other basis. (Lab. Code, § 350(b).)
- Members of boards of directors and public officers.
- Volunteers or independent contractors who perform services for the employer at the employer's work site.

An employer may seek protection under this law if:

1. An employee has suffered unlawful violence or a credible threat of violence from any individual;
2. The unlawful violence or credible threat of violence can reasonably be construed to have been carried out in the workplace;
3. The defendant's conduct is not allowable as part of a legitimate labor dispute as permitted by Code of Civil Procedure section 527.3; and
4. The defendant is not engaged in constitutionally protected activity.

What do you need to get the court orders or to object to them?

1. Workplace violence forms, available from the court clerk's office or legal publishers. The clerk of the court can tell you where to get the forms. You can also obtain them on the Judicial Council's website (<http://www.courtinfo.ca.gov/forms>). Fillable forms are available on the website.
2. Someone, other than yourself, 18 years of age or older, to deliver (**serve**) certain papers to the other party.

What forms must be used for petitioning under the workplace violence law and for opposing those petitions?

1. *Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee* [**Petition**] (form WV-100). This four-page form tells the judge the facts of the plaintiff's case and what orders the plaintiff wants the court to make. This form is **mandatory**, i.e., it must be used to petition for injunctive relief.
2. *Order to Show Cause [OSC] and Temporary Restraining Order [TRO]* (form WV-120). The **OSC**, when signed by the judge, tells the defendant to come to court for the hearing. It may include one or more **TROs** that take effect immediately and stay in effect until the hearing.
3. *Response to Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee* [**Response**] (form WV-110). The defendant files this form to state objections to the orders the plaintiff has asked the court to make and to give his or her side. This form is **mandatory**, i.e., it must be used by defendants to respond to a petition.
4. *Order After Hearing on Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee* [**Order**] (form WV-140). This is the form signed by the court following the hearing. The order will stay in effect for up to three years depending on what the judge rules.
5. *Proof of Personal Service (Workplace Violence)* (form WV-130) and *Proof of Service of Completed Response (Workplace Violence)* (form WV-131). These forms are used to show that the other party has been **served** with the legal documents as required by law.

Should you see a lawyer?

You have the right to file a petition or defend against one and to go to court with or without an attorney. Because your situation may involve technical problems that cannot be explained in a printed form, you may want to consult with an attorney. Whether or not you have an attorney, the other party may have one.

INSTRUCTIONS FOR THE PLAINTIFF

What steps need to be taken to get the court orders?

1. You will need at least five copies of each workplace violence form: one for a worksheet, the original to file with the court, a copy to be personally delivered (**served**) to the defendant, and two copies for yourself. In addition, you will need extra copies of the **OSC** (form WV-120), the **Order** (form WV-120), and the *Proof of Service* (forms WV-130 and WV-131). Get at least three extra copies for yourself.
 2. Fill in the **Petition** (form WV-100), and the **OSC** (form WV-120) except for the dates for the court hearing and service, and the judge's signature. (Reminder: courts may require that the forms be typewritten.)
 - a. If you are not represented by an attorney, fill in your name, mailing address, and phone number at the top of each form. You may, but are not required to, provide a fax number and e-mail address where you may be contacted.
 - b. Fill in the name of the county where the case will be filed and the address of the superior court.
 - c. Type your full name, the defendant's full name, and the employee's full name. If you are seeking an order protecting more than one employee, you should fill out a separate set of forms for each employee to be protected. If you need more space, attach additional pages and refer to the additional pages in item 20 of the **Petition** form.
 - d. Check ("X") all boxes that apply to your case. Read each item carefully and fill in the necessary information. Be specific.
 - e. Remember to date and sign the **Petition**.
 3. If you are applying for a **TRO**, you must give the details of the recent acts of violence or credible threats of violence and the problems they have caused your employee. Place an "X" in the caption of the **Petition** next to "Application for Temporary Restraining Order."

To obtain a **TRO**, you must notify the defendant of the application for the order unless both of the following requirements are satisfied:

 - a. It appears from facts shown by affidavit, declaration, or verified complaint that great or irreparable injury will result before the matter can be heard on notice.
 - b. You or your attorney certifies one of the following to the court under oath:
 - (1) That within a reasonable time prior to the petition you informed the defendant or the defendant's attorney at what time and where the petition would be made.
 - (2) That you in good faith attempted but were unable to inform the defendant and the defendant's attorney, specifying the efforts made to contact them.
 - (3) That for reasons specified you should not be required to so inform the defendant or the defendant's attorney.
 4. If you are seeking court orders on the basis of information given to you by other persons (e.g., the affected employee or other employees), and not on the basis of what you have personally observed, you **must** attach to the **Petition** declarations or affidavits by the persons who have personal knowledge of the facts that support the granting of the order. You may use form MC-031 for the declarations.
 5. Take all your completed forms and all copies to the clerk's office in the superior court. The clerk will tell you where to take your papers.
 6. If the judge signs the **OSC** (form WV-120), take the original and all copies back to the court clerk. The clerk will stamp all the papers with a case number. The copies will be stamped with an "Endorsed-Filed" stamp (showing the date of filing), the judge's signature, and the date of signing. The clerk will file the originals and give you the copies. **ASK FOR AT LEAST THREE ENDORSED-FILED COPIES.** Keep at least one for yourself and give the others to the employee and other persons, if any, who are to be protected. The copies may be needed if you have to call the police.
 7. Have the defendant personally **served** with copies of the **Petition** (form WV-100) and the **OSC** (form WV-120), and blank forms of the **Response** (form WV-110) and *Proof of Service of Completed Response* (form WV-131). You **cannot** serve the defendant yourself. Service may be made by a licensed process server, the sheriff's department, or any person 18 years of age or older, other than you.
- Service** is very important. It tells the defendant about the order and the hearing. Without it there will not be a court hearing and your temporary orders will no longer be good unless they are extended by the court. The defendant must be personally **served** immediately after the orders are signed by the judge, unless the court specifies a different time for service (see item 3a on the **OSC**).

8. If you have requested any temporary orders and the judge has granted them, get copies of the **TRO** stamped with an "Endorsed-Filed" stamp and immediately deliver an Endorsed-Filed copy of the **TRO** to each law enforcement agency (police, marshal, or sheriff's office) that you want to enforce the order.
 9. After the defendant has been personally **served**, the person who served the defendant must complete and sign the original *Proof of Personal Service* (form WV-130). You should take the signed original and the copies back to the court clerk. The clerk will file the original and stamp "Endorsed-Filed" on the copies. Take one of the Endorsed-Filed copies to each of the law enforcement agencies where you filed your **TRO**. Keep three Endorsed-Filed copies for yourself.
 10. Go to the court hearing with any evidence you might have. The **Order** (form WV-140) should be filled in and given to the judge for signing. If there are any witnesses to the defendant's conduct, they should also be there.
 11. If the judge signs the **Order** (form WV-140), file the original with the clerk, get copies stamped with an "Endorsed-Filed" stamp, and immediately deliver copies to law enforcement agencies.
- If the defendant was not present in court for the hearing, arrange to have the defendant personally **served** with a copy of the **Order**. File the completed *Proof of Personal Service* (form WV-130) with the court and deliver copies stamped "Endorsed-Filed" to law enforcement agencies. **KEEP AT LEAST THREE COPIES FOR YOURSELF**. Give one copy to your employee, give one to any other protected person, and keep at least one for yourself.

INSTRUCTIONS FOR THE DEFENDANT

1. If you are served with an *Order to Show Cause (Workplace Violence)* [**OSC**] (form WV-120) and a *Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee* [**Petition**] (form WV-100), you should promptly seek legal advice. If you have no attorney, the attorney's reference service of your local bar association may be of assistance.
2. Read the papers served on you very carefully. The **OSC** tells you when to appear in court and may contain a temporary restraining order forbidding you from doing certain things. **If you disobey the court's orders, criminal charges may be filed against you.**
3. If you wish to oppose the **Petition**, or make your own request for court orders, you must file a *Response to Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee* [**Response**] (form WV-110). These forms are available at the court clerk's office or at the Judicial Council's website: <http://www.courtinfo.ca.gov/forms>.

In addition to the **Response** (form WV-110), you may file and serve declarations signed by persons who have personal knowledge of the facts. A declaration (form MC-031) is available from the clerk's office or on the Judicial Council website. If you do not know how to prepare a declaration, you should see an attorney. After you have filed the **Response** with the clerk of the court, a copy must be delivered personally or by mail to the plaintiff or the plaintiff's attorney.

You cannot serve the plaintiff yourself. The person who does serve your papers should complete and sign a *Proof of Service of Completed Response (Workplace Violence)* (form WV-131). You should take the completed form back to the court clerk or bring it with you to the hearing.

4. If you wish to oppose the **Petition**, in addition to filing a **Response**, you should be present at the hearing. If you have any witnesses, they must also be present.

The next three pages show a **Petition** that has been completed, with examples of the kind of information a court is likely to want

If you are not represented by an attorney, fill in your name, mailing address, and phone number at the top of each form.

The court clerk will give you this number. Use it on all forms you file later.

After this form is filed, the clerk will stamp this box on the copies so everyone knows it is a copy of an official paper. This is the place for the "Endorsed-Filed" stamp.

County where you are filing your case. Call the clerk of the court if you do not know the address of the court.

Your full name.

The full name of the person you want the orders against.

The full name of the employee to be protected.

Check this box if you are asking for orders to go into effect immediately when the **TRO** is signed by the judge. You will also need to check the box at item 6 and give the necessary information.

Insert your name and type of business in item 1.

Insert the employee's name in item 2.

If you are seeking to protect more than one employee, use a separate **Petition** for each employee.

Put an "X" in the box that applies in item 4. You must check one box.

Item 5b is the most important part of your petition. This information is all the judge will know about your case until the hearing. Give details of the most recent incidents.

WV-100	
FOR COURT USE ONLY	
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Sarah Jones 110 Main Street Anytown, California 91234 FAX NO. (Optional): ATTORNEY FOR (Name):	TELEPHONE NO.: (123) 555-1234 E-MAIL ADDRESS (Optional):
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ANY COUNTY	
STREET ADDRESS: 1 Court Street MAILING ADDRESS: P.O. Box 123 CITY AND ZIP CODE: Anytown, California 91234 BRANCH NAME:	
PLAINTIFF: Sarah Jones DEFENDANT: John Roe EMPLOYEE: Michael Smith	
PETITION OF EMPLOYER FOR INJUNCTION PROHIBITING VIOLENCE OR THREATS OF VIOLENCE AGAINST EMPLOYEE (Workplace Violence) AND <input checked="" type="checkbox"/> APPLICATION FOR TEMPORARY RESTRAINING ORDER	
CASE NUMBER:	

(This is NOT an order)

Read the Instructions for Petitions to Prohibit Workplace Violence (form WV-150) before completing this form. NOTE: Plaintiff **must** be an employer with standing to bring this action under Code of Civil Procedure section 527.8.

1. Plaintiff (name):
☐ other (specify): is a ☐ corporation ☒ sole proprietorship and is filing this suit on behalf of the employee identified in item 2.

2. Employee (name):
Sex: ☒ M ☐ F Date of birth: 12/22/65 (Use a separate petition for each employee you are seeking to protect.)

3. Defendant (name):
a. Resides at (state address, if known): 33 Third Street, #106, Anytown, California 94124
b. Works at (state address, if known): Apex Industries, 9420 Commercial Street, Anytown, California 94125
c. ☐ Is ☒ Is not a current employee of plaintiff (explain if defendant is still an employee):

4. This suit is filed in this county because
a. ☐ defendant resides in this county.
b. ☒ defendant has caused physical or emotional injury to plaintiff's employee in this county.
c. ☐ other (specify):

5. Defendant has ☒ assaulted ☒ battered ☐ stalked or ☒ made a credible threat of violence against the employee by knowing or willing statements or a course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family.
a. One or more of these acts can reasonably be construed to be carried out or to have been carried out at the employee's workplace at (address): 110 Main Street, Anytown, California 91234
b. Describe what happened (including the dates, who did what to whom, and any injuries):
I own and operate a small cafe, called Sarah's Cafe, in Anytown. Michael Smith has worked for me as a waiter for a long time. About three weeks ago John Doe, a customer, got into an argument with another customer and started shouting. When Michael Smith asked John Doe to leave, he refused and pushed Michael against the counter. Michael called the police. When they came, John Doe started shouting and threatened to beat Michael up for calling the police. the police took John Doe away, but he came back a week later and Michael asked him to leave. He threatened to "get" Michael and his family (whose residence he knows) and left. Last week, on March 11, at about 11:30 a.m., John Doe came

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Form Adopted for Mandatory Use
Judicial Council of California
WV-100 [Rev. July 1, 2004]
PETITION OF EMPLOYER FOR INJUNCTION PROHIBITING
VIOLENCE OR THREATS OF VIOLENCE AGAINST EMPLOYEE
(Workplace Violence)
Code of Civil Procedure, §§ 527.8
and 527.9

If you have so many facts that they will not all fit, put an "X" in this box and write the facts on a separate piece of paper and attach it to the end of your **Petition**. Use white paper the same size as this form.

If you are asking for the orders to go into effect immediately, as soon as the judge signs the **TRO**, you **must** check this box and state the reasons. State what harm would result to the employee if the orders were not made immediately.

Indicate the orders that you are requesting by checking the appropriate boxes in item 8.

Identify the members of the employee's family or household to be protected in item 8a.

Put an "X" in the boxes that apply to your case. Leave the boxes empty if they do not apply to your case.

You do not need to give specific addresses in item 9. However, it may be easier for the police to enforce your orders if they know the defendant knows the addresses to stay away from.

Fill this in. Leave this blank.

PLAINTIFF (Name): Sarah Jones DEFENDANT (Name): John Roe	CASE NUMBER:
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5. b. (Continued)
in, sat down at the counter, and demanded that Michael serve him. Michael said he would call the police of John Roe did not leave, and John Roe picked up a ketchup bottle and threw it at Michael, hitting him on the arm. John Roe again threatened to "get" Michael and his family, and then he left. We called the police and made a report. I understand he was arrested and shortly will be released pending trial.

☐ Continued on Attachment 5b.

6. ☒ Employee will suffer great and irreparable harm before this petition can be heard in court unless the court makes those orders requested below effective now and until the hearing. (Specify the harm and why it will occur before the hearing):
When John Roe is released, he is likely to carry out his threats against Michael Smith and his family. Roe tends to be violent. He knows where Smith and his family live.
☐ Continued on Attachment 6.

7. Defendant's conduct has been directed against employee and is knowing and willful, is not constitutionally protected, and does not constitute lawful acts of self-defense or defense of others.

PLAINTIFF REQUESTS THE COURT TO MAKE THE ORDERS INDICATED BY THE CHECK MARKS IN THE BOXES BELOW.

8. ☒ RESTRAINING ORDERS ☒ To be ordered now and effective until the hearing

a. Defendant shall not engage in unlawful violence or make threats of violence against the employee and the following members of employee's family or household who reside with the employee:

(1) (Name): Jane Smith
Sex: ☐ M ☒ F Date of birth: 3/27/66

(2) (Name): Mary Smith
Sex: ☐ M ☒ F Date of birth: 1/17/95

(3) (Name):
Sex: ☐ M ☐ F Date of birth: ☐ Continued on Attachment 8a.

b. Specifically, defendant

(1) ☒ shall not assault, batter, or stalk the employee and other protected persons.
(2) ☒ shall not follow or stalk the employee and other protected persons to or from the place of work.
(3) ☒ shall not follow the employee and other protected persons during hours of employment.
(4) ☒ shall not telephone or send correspondence to the employee and other protected persons by any means including, but not limited to, the use of the public or private mails, interoffice mail, fax, or computer e-mail.
(5) ☒ shall not enter the workplace of the employee and other protected persons.
(6) ☐ other (specify):

9. ☒ STAY-AWAY ORDERS ☒ To be ordered now and effective until the hearing

a. Defendant shall stay at least (specify): 150 yards away from the following places and persons (the addresses of the places are optional and may be kept confidential):

(1) Employee ☒ and other protected person identified in item 8a.
(2) ☒ Employee's residence (address optional):
(3) ☒ Employee's place of work (address optional): 110 Main Street
Anytown, California 91234
(4) ☒ Employee's children's school or place of child care (address optional):
(5) ☒ Employee's vehicle (specify): 1995 White Toyota Sedan (Lic. No.: 9XYZ123)

WV-100 [Rev. July 1, 2004] PETITION OF EMPLOYER FOR INJUNCTION PROHIBITING VIOLENCE OR THREATS OF VIOLENCE AGAINST EMPLOYEE (Workplace Violence) Page 2 of 4

Whenever you check these boxes, you are asking for the order to go into effect immediately, as soon as the **TRO** is signed by the judge. You will also need to check the box at item 5 and give the necessary information.

List all the agencies you may want to enforce your **Order**. The court will direct you or your attorney (if you have one) to deliver the **Order** personally to the agencies after it is signed.

If you are not requesting stay-away orders, you must check one of the boxes in item 9b.

Fill this in.

Leave this blank.

This space is where you ask for other orders you need. If you use this space, be sure to put in facts and dates in item 11 on pages one and two of your **Petition** that would give the court a reason to order what you ask for here.

The defendant must be served immediately after the orders are issued, unless the judge shortens the time to two days before the hearing. It is a good idea to ask for this if you think the defendant will be hard to find and serve.

If there have been previous restraining orders, provide information about them in items 14 and 15.

Provide a description of the defendant to be restrained in item 16.

PLAINTIFF (Name): Sarah Jones DEFENDANT (Name): John Roe	CASE NUMBER:
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9. a. (Continued)
(6) ☐ Other (specify):
b. Will granting of any of the stay-away orders in item 9a deprive defendant of access to his or her residence or place of employment?
☐ Yes ☒ No (If yes, explain):

10. **FIREARMS PROHIBITION AND RELINQUISHMENT ORDER**
Plaintiff requests an order under section 527.9 of the Code of Civil Procedure that the restrained person is prohibited from owning, possessing, purchasing, or receiving, or attempting to purchase or receive a firearm, and must relinquish any firearm that he or she owns or possesses.

11. ☐ **OTHER ORDERS** (specify other orders you request to help carry out the orders previously requested):

12. **DELIVERY TO LAW ENFORCEMENT**
Plaintiff requests that copies of orders be given to the following law enforcement agencies:

Law enforcement agency	Address
Anytown Police Department	100 Tuft Street Anytown, California 91234
Anytown Police Department	Government Hall Big City, California 91235

13. ☐ **ORDER SHORTENING TIME**
Plaintiff requests that time for service of the *Order to Show Cause* (form WV-120) and accompanying papers be shortened so that they may be served no less than (specify number): 2 days before the date set for the hearing. I need to have the order shortening time because of the facts contained in this petition.

14. ☐ **PREVIOUS ORDERS**
Plaintiff has asked for restraining orders against the defendant in (specify): _____ County,
Case No. (specify): _____

15. ☐ **PREVIOUS ORDERS**
Employee has asked for restraining orders against defendant in (specify): _____ County,
Case No. (specify): _____

16. **DESCRIPTION OF DEFENDANT TO BE RESTRAINED**

Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Ht.: _____	Wt.: _____	Hair color: _____	Eye color: _____	Race: _____	Age: _____	Date of birth: _____
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17. ☐ **COSTS**
Defendant should be ordered to pay costs as follows (specify): _____

18. Plaintiff requests additional relief as may be proper.

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VIOLENCE OR THREATS OF VIOLENCE AGAINST EMPLOYEE
(Workplace Violence)Page 3 of 4

Check the box if your Petition contains the allegations stated in item 19.

<div style="border-bottom: 1px solid black; margin-bottom: 2px;">PLAINTIFF (Name):</div> <div style="border-bottom: 1px solid black; margin-bottom: 2px;">DEFENDANT (Name):</div>	<div style="border-bottom: 1px solid black; margin-bottom: 2px;">CASE NUMBER:</div>
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19. ☒ **NO FEE FOR FILING**
Plaintiff is not required to pay a fee for filing this petition because the petition alleges that the defendant has inflicted or threatened violence against an employee of the plaintiff, or stalked the employee, or acted or spoke in any other manner that has placed the employee in reasonable fear of violence, and seeks protective or restraining orders or injunctions restraining stalking or future violence or threats of violence in an action brought under Code of Civil Procedure § 527.8.

20. Plaintiff understands that if the court issues an *Order to Show Cause* (form WV-120), a hearing will be held on the date shown in item 2 of the *Order to Show Cause*. At that hearing, plaintiff will be prepared to present evidence supporting the petition.

21. Number of pages attached: 0

(Signature of attorney, if any):

(TYPE OR PRINT NAME OF ATTORNEY)

(SIGNATURE OF ATTORNEY)

I declare under penalty of perjury under the laws of the State of California that I am aware of the facts stated,

a. ☒ on the basis of my own personal knowledge.

b. ☒ on the basis that I have been informed and believe that the facts stated are true. (NOTE: If this petition is made solely on the basis of plaintiff's information and belief, plaintiff must attach declarations by one or more persons who have personal knowledge of the facts stated.)

Date: March 11, 2004

(TYPE OR PRINT NAME)

Title of person signing: Proprietor, Sarah's Cafe

Sarah Jones

(SIGNATURE OF PLAINTIFF)

WV-100 [Rev. July 1, 2004]

**PETITION OF EMPLOYER FOR INJUNCTION PROHIBITING
VIOLENCE OR THREATS OF VIOLENCE AGAINST EMPLOYEE
(Workplace Violence)**

Page 4 of 4

VERY IMPORTANT

1. The date you sign.2. Your signature.

DO NOT FORGET THESE OR ALL YOUR WORK WILL BE WASTED.

THIS FORM IS CALLED THE **ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER** ("OSC/TRO" OR "TRO"). THIS IS THE ORDER YOU WANT THE JUDGE TO SIGN. AFTER THE JUDGE SIGNS THE ORDER, YOU CAN HAVE THE ORDER ENFORCED BY LAW ENFORCEMENT AGENCIES.

Note: Fill in the **OSC** in the same way as your **Petition** except as follows:

1. Leave items 2a and 3a–d on the **OSC** blank. The clerk of the court or the judge will insert the date. Your hearing will be within 15 days after the filing of the **Petition**.

2. Do not date or sign the **OSC**.

County where you are filing your case. Call the clerk of the court if you do not know the address.

LEAVE THIS BLANK. The clerk, or the judge, will put the information in, or tell you what information to insert here.

The orders that follow are good only until the hearing. At the hearing, the court can make the orders last for as long as three years.

The clerk will give you this number after the judge signs the **TRO**. Use it on all the forms you file later.

After this form is filed, the clerk will stamp this box on the copies so everyone knows it is a copy of an official paper. This is the place for the "Endorsed-Filed" stamp.

WV-120	
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Sarah Jones 110 Main Street Anytown, California 91234 TELEPHONE NO.: (123) 555-1234 E-MAIL ADDRESS (Optional): sjoney@e-mail.com ATTORNEY FOR (Name): in pro per FAX NO. (Optional): (123) 555-1235	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 1 Court Street MAILING ADDRESS: P.O. Box 123 CITY AND ZIP CODE: Anytime, California 91234 BRANCH NAME:	
PLAINTIFF: Sarah Jones DEFENDANT: John Roe EMPLOYEE: Michael Smith	
ORDER TO SHOW CAUSE (Workplace Violence) <input checked="" type="checkbox"/> and Temporary Restraining Order (CLETS)	CASE NUMBER:
THIS ORDER SHALL EXPIRE AT THE DATE AND THE TIME OF THE HEARING SHOWN IN THE BOX BELOW UNLESS EXTENDED BY THE COURT.	
1. TO DEFENDANT (name): John Roe	
2. YOU ARE ORDERED to appear in this court at the date, time, and place shown in the box below to give any legal reason why the order sought and the other relief requested in the petition should not be granted.	
NOTICE OF HEARING	
a. Date: Time: Dept.: Room:	
b. The address of the court where the hearing will be held <input checked="" type="checkbox"/> is shown above <input type="checkbox"/> is (specify):	
3. IT IS FURTHER ORDERED that	
a. Plaintiff shall serve this <i>Order to Show Cause</i> , the attached <i>Petition</i> (form WV-100), and any other supporting papers by (specify manner of service) no later than (date):	
b. Any opposition papers shall be filed and served on plaintiff by (specify manner of service): no later than (date):	
c. Any reply papers shall be filed and served by (specify manner of service): no later than (date):	
d. Proof of service of plaintiff's papers shall be delivered to the court hearing the <i>Order to Show Cause</i> no later than (date):	
4. You have the right to attend the hearing to oppose the petition, with or without an attorney. If you do not attend the hearing, the court may grant the requested orders without any further notice to you. The court may make these orders enforceable for a period not to exceed three years, after which they may be renewed, by filing a new <i>Petition for Injunction</i> . You should read the instructions on page two of this form. A complete instruction booklet (form WV-150) is available from the clerk's office located at the court shown above.	
Date:	JUDICIAL OFFICER <input type="checkbox"/> SIGNATURE FOLLOWS LAST ATTACHMENT

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(Workplace Violence) Page 1 of 4

Fill this in.

Leave this blank.

Fill in the defendant's name and other information to help the law enforcement officer locate and identify him or her.

Put an "X" in the boxes that apply to your case; leave boxes empty if they do not apply to your case.

You do not need to give specific addresses in item 7. However, it may be easier for the police to enforce your orders if they know the defendant knows the addresses to stay away from.

Put an "X" in the boxes that apply to your case. Leave the boxes empty if they do not apply to your case.

PLAINTIFF (Name): Sarah Jones DEFENDANT (Name): John Roe	CASE NUMBER:
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TEMPORARY RESTRAINING ORDER

THE COURT FINDS

a. The defendant is (name):

Sex: ☒ M ☐ F Ht.: ____ Wt.: ____ Hair color: ____ Eye color: ____ Race: ____ Age: ____ Date of birth: ____

b. The protected employee is (name):

c. Protected family or household members who reside with employee are:

(1) (Name):

Sex: ☐ M ☒ F Date of birth: ____

(2) (Name):

Sex: ☐ M ☒ F Date of birth: 3/27/66

(3) (Name):

Sex: ☐ M ☒ F Date of birth: 1/17/95

☐ Continued on Attachment 5c.

UNTIL THE TIME OF HEARING, IT IS ORDERED

6. Defendant is prohibited from further violence or threats of violence against the protected persons and SPECIFICALLY IT IS ORDERED THAT DEFENDANT

a. ☒ shall not assault, batter, or stalk the employee and other protected persons.

b. ☒ shall not follow or stalk the employee and other protected persons to or from the place of work.

c. ☒ shall not follow the employee and other protected persons during hours of employment.

d. ☒ shall not telephone or send correspondence to the employee and other protected persons by **any** means including, but not limited to, the use of the public or private mails, interoffice mail, fax, or computer e-mail.

e. ☒ shall not enter the workplace of the employee and other protected persons.

f. ☐ other (specify):

7. ☒ Defendant shall stay at least (specify): 100 yards away from the following places and persons (the addresses of the places are optional and may be kept confidential):

a. ☒ Employee and other protected person named in item 5.

b. ☒ Residence of employee and other protected persons (address optional):

c. ☒ Place of work of employee and other protected persons (address optional):

d. ☒ School or place of child care of children of employee and other protected persons (address optional):

e. ☒ The employee's and other protected persons' vehicles

f. ☐ Other (specify):

(address optional):

8. ☐ Contacts relating to pickup and delivery of children under a court order or a court-approved stipulation of the parties arrived at during mediation shall be permitted, unless a criminal domestic protective or restraining order prohibits such contacts.

Page 2 of 4

Fill this in.

Leave this blank.

Item 11 lists the papers that must be personally served on the defendant.

Courts generally require that the defendant be served at least 5 days before the hearing. But the court may shorten the time.

List the addresses of all law enforcement agencies that enforce the law where harassment has occurred or is likely to occur in the future.

After it is signed by the judge, you or your attorney must take a copy of this order to the law enforcement agencies immediately if you want them to be able to enforce it.

<div style="border: 1px solid black; padding: 2px;"><div style="display: flex; justify-content: space-between;"><div>PLAINTIFF (Name): Sarah Jones</div><div>CASE NUMBER:</div></div><div style="border-top: 1px solid black; padding-top: 2px;">DEFENDANT (Name): John Roe</div></div>	
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9. ☐ OTHER ORDERS (specify):

10. ☐ MANDATORY FIREARMS RELINQUISHMENT

The restrained person must surrender to local law enforcement or sell to a licensed gun dealer any firearm in or subject to his or her immediate possession or control within

a. ☐ 24 hours after issuance of this order (if restrained person is present at hearing).

b. ☐ 48 hours after service of this order (if restrained person is not present at hearing).

c. ☐ other (specify):

If the restrained person owns, possesses, or controls any firearms, he or she **must** file a receipt with the court showing compliance with this order within 72 hours of receiving this order. (Form WV-145 is available for this purpose.)

11. ☒ Application for an order shortening time is granted and the following documents shall be personally served on the defendant no less than (specify number): two (2) days before the time set for hearing:

a. Order to Show Cause and Temporary Restraining Order (CLETS) (Workplace Violence) (form WV-120)

b. Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee (Workplace Violence) (WV-100)

c. Blank Response to Petition of employer for injunction Prohibiting Violence or Threats of Violence Against Employee (Workplace Violence) (WV-110)

d. Blank Proof of Service of Completed Response (form WV-131)

e. Other (specify):

12. By the close of business on the date of this order, a copy of this order and any proof of service shall be given to the law enforcement agencies listed below as follows:

a. ☒ Plaintiff shall deliver.

b. ☐ Plaintiff's attorney shall deliver.

Law enforcement agency	Address
Anytown Police Department	100 Tuft Street, Anytown, California 91234
Anytown Police Department	Government Hall, Big City, California 91235

Date: _____

JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

This order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received, and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this restraining order are subject to criminal penalties.

NOTICE REGARDING FIREARMS

Any person subject to a restraining order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment.

WV-120 [Rev. July 1, 2004]

ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER (CLETS)
(Workplace Violence)

Page 3 of 4

PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	

INSTRUCTIONS FOR THE DEFENDANT

1. If you are served with an *Order to Show Cause (Workplace Violence) [OSC]* (form WV-120) and a *Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee [Petition]* (form WV-100), you should promptly seek legal advice. If you have no attorney, the attorney's reference service of your local bar association may be of assistance.
2. Read the papers served on you very carefully. The **OSC** tells you when to appear in court and may contain a temporary restraining order forbidding you from doing certain things. **If you disobey the court's orders, criminal charges may be filed against you.**
3. If you wish to oppose the **Petition**, or make your own request for court orders, you should file a *Response to Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee [Response]* (form WV-110).

In addition to the **Response**, you may file and serve declarations signed by persons who have personal knowledge of the facts. A declaration form (form MC-031) is available from the clerk's office of the court shown on page one of this form. If you do not know how to prepare a declaration, you should see an attorney. After you have filed the **Response** with the clerk of the court, a copy must be delivered personally or by mail to the plaintiff or the plaintiff's attorney.

You cannot serve the plaintiff yourself. The person who serves the plaintiff should complete and sign a *Proof of Service of Completed Response (Workplace Violence)* (form WV-131). You should take the completed form back to the court clerk or bring it with you to the hearing.

4. If you wish to oppose the petition, in addition to filing a **Response** you should be present at the hearing. If you have any witnesses, they must also be present.
5. An instruction booklet entitled *Instructions for Petitions to Prohibit Workplace Violence* (form WV-150) is available from the clerk's office at the court shown on page one of this form.